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SUBJECT: ABYEI ACCORD MAY BE AN NCP TRAP, SAYS FORMER SUDANESE FM

REF: A. KHARTOUM 859

[1](#)B. KHARTOUM 772

[1](#)C. KHARTOUM 448

[1](#)1. (SBU) Summary: Lam Akol told CDA Fernandez that the SPLM views the June 8 Abyei agreement as success, but the choice to refer the border demarcation to international arbitration could help the NCP delay a decision until after the 2011 referendum. A prolonged arbitration process serves the NCP well, trapping the SPLM into a legal morass as the interim border increases the ethnic heterogeneity of Abyei. End summary.

[1](#)2. (SBU) Former Sudanese Foreign Minister and Sudanese Peoples' Liberation Movement (SPLM) turncoat Lam Akol welcomed Charge d'Affaires Fernandez to his Khartoum home Monday, June 16 to discuss recent developments in Abyei. Despite numerous setbacks that have tarnished his stature, including a now-debunked alleged assassination attempt in March (ref. C), Akol still maintains an active voice in both North and South Sudanese politics. CDA complimented Akol on his positive role in maintaining unity at the May SPLM convention, convincing representatives from Upper Nile, Jonglei and Unity states to vote as a single bloc in urging keeping both GOSS VP Riek Machar and Akol's rival Pagan Amun in the party leadership. Asked if Sudan had pulled back from the brink of disaster, Akol commented that the May 10 attack on Khartoum/Omdurman by Khalil Ibrahim's Justice and Equality Movement (JEM) rendered the National Congress Party weaker, and, despite significant strategic mistakes, strengthened both JEM's standing and the arrogant Ibrahim's opinion of himself. "That the Sudanese Army would not or could not fight was significant, but the security and police did fight for the regime." He added that while SAF won't fight for Darfur "people will defend their homes."

[1](#)3. (SBU) Akol expressed limited optimism in this month's agreement between the NCP and the SPLM Abyei, saying, "the Abyei Accord is a solution in the sense that it will get things rolling." However, he said the demographic quirks of Abyei border demarcation temper his optimism. Greater homogeneity of Dinka in administrative units limit access to oil fields, but greater access to oil (through more expansive borders for Abyei) increases the ethnic heterogeneity by adding large numbers of Misseriya. "Do we want people or oil? Can we agree on an area that includes both? The interim border goes beyond administrative units, including many more Misseriya than Dinka."

[1](#)4. (SBU) Regarding the issue of border arbitration (ref. A), Akol acknowledged that the NCP has won the upper hand from the June 8 Abyei agreement. "When you talk of arbitration, you talk of years. If the ruling comes after 2011, what do you do with the current border? Some (within the SPLM) think arbitration is a victory but they don't look at the intricacies." Akol added, "the arbitration court must have evidence," and listed historical trends that show Abyei is part of the North: 1905, when Abyei was moved to Kordofan; 1939, when the Ngok Dinka chiefs chose to keep Abyei in "Dar Misseriya" in Kordofan; and 1952, when Abyei chose again to remain

part of Kordofan.

15. (SBU) Akol claimed there is scant historical evidence proving that Abyei was part of the south, and argued that advocates for secession could be hard-pressed to win their case before a court of arbitration. He noted that the southern argument that Abyei was part of the South is based on an ethnic argument, not a historical one. "They should have had a lawyer look at it before they signed on June 8." He added that the new agreement "buries" the Abyei Boundary Commission (ABC) and its report which, while rejected by the NCP in August 2005, gave the SPLM the moral high ground in the dispute.

16. (SBU) Akol disagrees with analysts who assume that the conflict over Abyei is a fight over untapped fossil fuel reserves. "The Abyei problem did not come because of oil. The possibility of secession - that Abyei won't want to go to the south - makes 2011 such high stakes. Not oil." Akol pointed out that contradictory forces determine Abyei's identity (and borders): one trying to restrict the border in order to ensure a pro-secession majority for 2011, and the other trying to enlarge borders to include enough oil wells for the Abyei area to be self-sufficient. Akol predicted that such forces will cause the South to become "more entrenched in their tribal shells." "If you do not put forth policies that tend to unify people, that have their interests intertwined, you can never get rid of tribalism. The government must be conscious of this."

17. (SBU) Comment: Lam Akol's reputation as a wily, dubious character in Sudanese politics is well warranted and underlines his political astuteness, and everything he says should be taken with a grain of salt since he often portrays SPLM decisions in a negative light. Despite this, he remains in the party leadership and was in the front row next to FM Alor at the May 2008 SPLM convention during Salva Kiir's speech. He believes the June 8 Abyei agreement will

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prove advantageous to the NCP, tangling up the conflict in process and trapping the SPLM - with its history of hasty decision-making - into making a questionable legal case that Abyei has historically been part of the South, despite evidence to the contrary. Akol may be right, as Abyei's interim borders are likely to become the de facto borders while the arbitration court decides Abyei's fate at an undetermined date, possibly after the 2011 referendum, despite the accord's best efforts to get a definitive solution within a year.

FERNANDEZ